

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Case Number: 13-4223-CV-C-BP

NOTICE OF INCLUSION IN THE MEDIATION AND ASSESSMENT PROGRAM

This is notice that your case is included in the Western District of Missouri's Mediation and Assessment Program or "MAP." You should carefully review the Court's General Order for the Mediation and Assessment Program (the "General Order") for Program requirements, including your obligation to serve this Notice. The General Order is located on the Court's website at www.mow.uscourts.gov/district/map.html and was restated effective August 1, 2013.

Your case has been randomly assigned to the following category in the Mediation and Assessment Program:

- ☒ United States Magistrate Matt J. Whitworth
- ☐ Director of the Mediation and Assessment Program
- ☐ Outside Mediator

JUDGE ASSIGNMENT

If your case has been assigned to a Judge for mediation, you will be notified of the date, time and place of a settlement conference by the Judge's office after responsive pleadings are filed. **The mediation shall occur no later than 75 calendar days after the Rule 26(f) meeting as required by the Federal Rules of Civil Procedure ("Rule 26 meeting"), unless otherwise scheduled by the Judge.**

DIRECTOR ASSIGNMENT

If your case has been assigned to the Director of MAP for mediation, you will be notified by the Director's office of the date, time and place of either a teleconference or a mediation after responsive pleadings are filed. The mediation shall occur no later than 75 calendar days after the Rule 26 meeting, unless otherwise scheduled by the Director.

OUTSIDE MEDIATOR ASSIGNMENT

If your case has been assigned to an Outside Mediator, **the parties have 14 calendar days after the Rule 26 meeting to select an Outside Mediator, schedule a mediation and file a Designation of Mediator certificate** (ADR event in ECF) stating the name of the Outside

Mediator, and the date, time and place of the in-person mediation. The certificate must be signed by or on behalf of each party.

The mediation shall occur no later than 75 calendar days after the Rule 26 meeting. Within ten (10) calendar days of the mediation or other ADR option session, the Mediator and parties (pro se or by counsel) shall submit a status report (separately or jointly, and preferably by facsimile or email) to the Director. The report should state how long the mediation lasted, whether all required parties were present in person, the outcome of the session, and whether additional settlement discussions would be productive and at what point in time or after what specific events.

CONTINUING OBLIGATIONS

Inclusion in the Mediation and Assessment Program does not relieve you of any of the obligations or deadlines that you have in this lawsuit. **IF YOU HAVE BEEN SERVED, YOU MUST FILE A TIMELY RESPONSE IN ORDER TO AVOID THE RISK OF A DEFAULT JUDGMENT.**

MEDIATION

Mediation is a process in which a neutral third party assists the parties in developing and exploring their underlying interests (in addition to their legal positions), promotes the development of options and assists the parties toward settling the case through negotiations.

As a party to a lawsuit in this Court, you are entitled to pursue all claims or defenses to claims that you have asserted until a disposition of the claims or defenses is made by the Court or a jury. However, most of the lawsuits filed in this and other courts are resolved by voluntary settlement of the parties before trial. With a settlement, the expense and inconvenience of litigation can be reduced and the uncertainty of the outcome can be eliminated.

Good faith participation in the Mediation and Assessment Program is required, but you are not required to settle the case.

It is important that you carefully review and objectively evaluate your case prior to the first mediation or other ADR option session. You should come prepared to discuss and negotiate the settlement of your case.

ATTENDANCE AT MEDIATION

Please note that lead trial counsel and parties are required to attend mediations in person. In-person attendance of additional individuals is also required when applicable (e.g. insurance company representatives). See Section V.E. of the General Order.

The failure to attend mediation or other ADR option session, or the refusal to cooperate or timely cooperate in the Program, may result in the imposition of sanctions by the assigned Judge.

Mediation and Assessment Program
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